SINGLE BENCH

CF502 (4)

(1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 616 /2007

PETITIONERS :

1. **Awadh Kishor Pandey**
   S/o Late Shri Ramsurat Pandey
   Age about 46 years, Head Master,
   Govt. Primary School, Pushwada,
   Block - Kanker, Distt. - Kanker (C.G.)
2. **Om Prakash Bhatt**
   S/o Late Shri Haridwar Bhatt
   Age about 53 years, Head Master,
   Govt. Primary School, Dhanelikanhar,
   Block - Kanker, Distt. - Kanker (C.G.)
3. **Vimal Kumar Vaishnaw**
   S/o Late Shri Damodar Das Vaishnaw
   Age about 49 years, Head Master,
   Govt. Primary School, Echhapur,
   Block - Kanker, Distt. - Kanker (C.G.)
4. **Basant Kumar Gupta**
   S/o Shri Ramdulare Gupta
   Age about 52 years, Head Master,
   Govt. Primary School, Gotpur,
   Block - Kanker, Distt. - Kanker (C.G.)
5. **Ramlal Kuldeep**
   S/o Shri Buddhu Ram Kuldeep
   Age about 51 years, Asstt. Teacher,
   Govt. Primary School, Ghotiya,
   Block - Kanker, Distt. - Kanker (C.G.)

P.N. 622/07
Presented by SK Verma
dated 22/10/07

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OATH COMMISSIONER
S.R. Kaushik
BILASPUR TAHSIL AREA

VERSUS

RESPONDENTS :

1. **State Government of Chhattisgarh**
   Through :- **Secretary,**
   Tribal & Education Department,
   D.K.S. Bhawan, Raipur (C.G.)

2. **District Education Officer**
   Distt. - Kanker (C.G.)
3. **Block Education Officer**
   Block - Kanker, Distt. - Kanker (C.G.)
4. **Treasury & Accounts**
   Kanker (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(384)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 616 of 2007

Petitioners : Awadh Kishor Pandey & others

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, Advocate for the petitioners.
Shri Sushil Dubey, Govt. Advocate for the State/respondents.

ORDER

(Passed on this 13th day of February, 2007)

1. Learned counsel appearing for the petitioners submits that the petitioners were appointed on the post of Assistant Teachers on fixed pay.

2. It is further submitted by learned counsel for the petitioners that during the probation period the petitioners were only paid the fixed salary, though they were entitled to get monthly payment on the basis of regular pay scale during that period.

3. Learned counsel for the petitioners placed reliance on a decision of the Madhya Pradesh State Administrative Tribunal passed on 24.8.1992 in O.A.No. 2745 of 1989 (Madhukant Yadu and 56 others Vs. State of M.P. & others). In that case learned Tribunal after having considered the facts and circumstances of the case directed the respondents to make payment of salary in the regular scale of pay along with all applicable allowances from the date of appointment of the petitioners. The matter was taken-up to the Hon'ble Supreme Court. The appeal was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect

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that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel for the petitioners also placed reliance on the order dated 23. 3. 2006 passed by this Court in Writ Petition No. 2577/2003 (Nem Singh Thakur and others Vs. State of Chhattisgarh & others) and submits that the question of law and the facts involved in this petition are similar to that of in the cases cited above. Learned counsel appearing for the respondents fairly concedes and agrees with the submission made by the petitioners.

5. In view of the above this petition stands disposed of in terms of the order dated 24.8.1992 passed in O.A.No. 2745/1989 (supra) and the order dated 23. 3. 2006 passed by this Court in Writ Petition No. 2577/2003 (supra). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur